

**UNITED STATES GOVERNMENT  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32**

(Hayward, CA)

MISSION BLVD. MOTORS INC.,  
d/b/a HAYWARD NISSAN

Employer

and

Case 32-RC-5270

MACHINISTS DISTRICT LODGE 190,  
AUTOMOTIVE MACHINISTS LOCAL  
LODGE 1546, I.A.M.A.W.

Petitioner

**DECISION AND DIRECTION OF ELECTION**

The Employer, Mission Blvd. Motors Inc., d/b/a Hayward Nissan operates a car dealership in Hayward, California. The Petitioner, Machinists District Lodge 190, Automotive Machinists Local Lodge 1546 I.A.M.A.W., filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act and is seeking to represent a unit of all technicians employed at the Employer's Hayward facility. Specifically, the Petitioner seeks to represent all full-time and regular part-time technicians, lead technicians, and lube technicians; excluding all service advisors, supervisors, managers, guards, office employees, sales people, detailers, shuttle drivers, lot persons, parts people, and other employees.<sup>1</sup> A hearing officer of the Board held a hearing, and the Employer filed a brief with me.<sup>2</sup>

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<sup>1</sup> The petitioned-for-unit will be referred to herein as the "Unit."

<sup>2</sup> Both parties were afforded the opportunity to file briefs. Petitioner did not do so but presented oral argument at the hearing. I have duly considered the Employer's brief and the Petitioner's oral argument.

As evidenced in the hearing and in the Employer's brief, the parties disagree on whether the Unit is a craft unit and whether the Employer's service advisors should be included in the Unit.<sup>3</sup> The Petitioner contends that the Unit constitutes a craft unit and that the service advisors are therefore properly excluded from the unit. The Employer contends that the Unit is not a craft unit, because it includes a lube technician, who generally performs less complex work than the regular technicians. Further, the Employer contends that the service advisors must be included in the Unit because they share a strong community of interest with the technicians, such that the Unit would be inappropriate for collective bargaining purposes if the service advisors were not included.

There are approximately five technicians (including one lead technician), one lube technician and two service advisors. Therefore, the unit sought by the Petitioner has approximately six employees, while the unit the Employer seeks would include eight employees.

I have considered the evidence and the arguments presented by the parties on each of these issues. As discussed below, I have concluded that the Employer's technicians, including the lube technician, constitute an appropriate craft unit for collective bargaining purposes and that the service advisors are properly excluded from the Unit.<sup>4</sup>

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<sup>3</sup> The Employer agrees that all other employees should be excluded from the Unit.

<sup>4</sup> The Employer asserted at the hearing that it believed that the lead technician, Mike McKinney, is a supervisor within the meaning of Section 2(11) of the Act. However, the Employer did not support this claim with any argument or evidence at the hearing, nor did it raise the issue in its post hearing brief. Inasmuch as the Employer bore the burden of establishing McKinney's supervisory status, and the record is devoid of such substantiating evidence, I find that Mr. McKinney is an employee under the Act. *NLRB v. Kentucky River Community Care*, 532 U.S. 706, 121 S.Ct. 1861 (2001); *Bennett Industries, Inc.*, 313 NLRB 1363 (1994);

Service advisor Paul Fiedler also holds the position of "assistant manager." Based upon his assistant manager position, the Petitioner claims that Fiedler should be excluded from the petitioned-for-unit because he is a statutory supervisor within the meaning of Section 2(11) of the Act. Based on my conclusion herein, that the service advisors and all other Employer employees are excluded from the appropriate unit, I have determined that it is unnecessary to make a finding regarding Fiedler's supervisory status.

To provide a context for my discussion of the above-described issues, I will first provide an overview of the Employer's operations. Then I will present in detail the facts of this case and the reasoning that supports each of my conclusions on the issues.

### **THE EMPLOYER'S OPERATION**

The Employer is a wholly owned subsidiary of AutoNation, Inc., herein called AutoNation. AutoNation, either directly or through subsidiaries such as the Employer, owns dealerships throughout the United States.<sup>5</sup> The Employer has a general manager, Terry Lowe, who appears to oversee its overall day-to-day operations. The Employer's operation is divided into a sales department, a service department, a parts department and a business office. Normally, employees in the service department are supervised by a service manager; however, currently the service manager position is vacant. Technicians and service advisors work within the service department, as do the detailers, lot personnel and shuttle drivers.

The layout of the Employer's operation is as follows.<sup>6</sup> Vehicles are displayed in a showroom. The service advisors have a small office adjacent to the showroom. The service advisors' office borders the showroom on one side and the service driveway, on the other. The service driveway is used by customers to drop off vehicles for service. The service advisors' office has sliding doors that open onto the service driveway. It also has a desk, an Employer networked computer and chairs for the service advisors. The

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<sup>5</sup> According to Bob Nietzke, a representative of Auto Nation, it has six unionized facilities in the San Francisco Bay Area, and at each of them, the bargaining unit includes both technicians and service advisors. Don Crosatto testified for the Union about the nature of its bargaining units. According to Crosatto, some of the Union's units are service technicians only, some include service advisors and some include service technicians and parts people, but not service advisors. Moreover, on cross-examination, Crosatto admitted that over half of its bargaining units in the San Francisco Bay area include service advisors, and that about 80-90% of Local 1546's bargaining units include the service advisors.

<sup>6</sup> All of the Employer's facilities are located at 25995 Mission Blvd Hayward, CA, save for a nearby lot, which is used to showcase used cars.

shop, in which customers' vehicles are serviced, is located in a separate building roughly 90 feet from the service advisors' office on the opposite side of the service driveway. The shop contains separate technician bays (work areas) and an Employer networked computer. A break room, to which all Employer personnel have access, is immediately adjacent to the shop. The parts department is housed in a separate building.

At the outset of the repair process, service advisors listen to the customers' requests and concerns and record basic identifying information concerning the customer and the vehicle.<sup>7</sup> The service advisor then performs a cursory inspection of the vehicle, checking for obvious service needs such as bald tires, proper fluid levels and belts. In some instances, in order to identify the cause of a problem, the service advisor may listen to the engine operate and, or, may also road test the vehicle with the customer.

In cases where service advisors experience difficulty finding the cause of a problem, they typically ask for assistance from a technician. Thus it is not uncommon for a technician to join a service advisor in listening to a vehicle, or to road test a vehicle with a customer.

Once the initial vehicle inspection is completed, service advisors bring the customer into the service advisors' office. There, the service advisor searches the Employer's computer database for the vehicle's service history. The service advisor then makes recommendations for services and, or parts, based on the customer's initial complaints, vehicle repair history and areas of need.

The service advisor then uses the computer to create a repair order for the customer's signature, which lists the services to be rendered; the projected completion

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<sup>7</sup> Customers may call the Employer to set up an appointment for service; in this case, the call is routed to a service advisor who takes this information by phone.

time; and an estimate of the labor and parts costs. To determine labor cost estimates, service advisors consult labor manuals, which specify how much time is to be assigned to various technician tasks. Based on the pre-set time allotment and the Employer's hourly rate for technician and/or lube technician work, the service advisor calculates the labor cost estimate. The parts department generates prices for parts.

Once the repair order is completed, the service advisor decides whether to perform the order himself; or, whether the order should be assigned to a technician; and, if so, which technician. Certain simple repairs may be performed by the service advisor. Service advisor Paul Fiedler testified that he performs such minor repairs as changing wiper blades, bulbs, lamps, replacing a piece of exterior body molding, or occasionally replacing a fuse.<sup>8</sup> He accomplishes these tasks through the use of his own tool kit, which is worth approximately \$30, and consists of screwdrivers, small sockets and pliers. It is unclear from the record whether service advisors perform all such minor repairs; how often they perform such repairs; or, whether the Employer requires that service advisors perform such repairs.<sup>9</sup> In any event, other than certain simple repairs, service advisors assign repair work to the technicians and/or lube technician, taking into account such factors as the technicians' individual capabilities, availability, and scheduling matters. The service advisor then places the completed repair order into the repair order rack of whichever technician has been selected to perform the work.

The technician retrieves the repair order and drives the vehicle to the shop where the service is performed. Among the services and repairs that technicians perform are

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<sup>8</sup> Fiedler testified concerning his job duties and function as a service advisor, but the other service advisor, Debbie Alga, did not testify in the hearing. However, Fiedler testified that he and Alga function basically the same in their service advisor capacities.

<sup>9</sup> Service advisors are not paid on a flat rate basis for the repairs they perform.

tune-ups, general driving diagnostics, engine diagnostics, electrical diagnostics, tire rotation and replacement, lubrication services, break and axle repairs and used car reconditioning. In carrying out the repairs, the regular technicians access the Employer's database of repair history for vehicles through the computer in the shop.

As noted by the Employer, the record shows that technicians and service advisors routinely speak during the course of the repair process, including during initial inspections of vehicles as set forth above.<sup>10</sup> Also, in instances where the services requested are complex, technicians may seek further guidance from service advisors. Similar discussions also take place during the process of "up selling," which refers to the process of selling parts or services beyond those initially contemplated in the repair order. For example, during the course of performing services requested in the repair order, technicians may discover the need for additional repairs and, or additional parts. In such cases, the technician prepares a written description of the additional repairs and, or parts needed on the repair order, and provides that document to the service advisor. Where the additional repairs or services needed are relatively straight forward, the service advisors proceed to tender an estimate to the customer without discussion with the technicians. In more complex cases, the service advisors may speak with the technician to obtain more detail.

The record also reflects that service advisors speak with technicians about such matters as scheduling, projected completion times of service orders, re-assigning of work

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<sup>10</sup> The record shows that some of these conversations take place in person in the shop, on the service driveway and in, or near, the service advisors' office. Technicians and service advisors also communicate via radio. Service advisors are linked by radio to a receiver in the shop and the lead technician has a personal radio, which is linked to the service advisors' radios.

and status inquiries from customers. Technicians, when called upon to do so by service advisors, speak with customers directly to explain the need for a particular service, or to provide details about the repair process generally.

The record reflects that there are significant differences with regard to the skills and training of the technicians, lube technicians and service advisors. The technicians have extensive training and experience in automotive mechanics. As part of their job function, technicians complete ongoing training through computer testing on the Employer's site and are also trained at a Nissan facility in Pleasanton. Some technicians hold one or more certifications in specialized areas of automotive mechanics, including, but not limited to, certifications issued by Nissan. Technician Joe Martinez has a smog license issued from the State of California that allows him to perform smog tests.

The lube technician's skill and expertise level is generally more limited than that of his technician colleagues and he is typically assigned to complete lubrication services and tire replacements. However, under the guidance of some of the other regular technicians, he has been assigned increasingly complex assignments, such as brake work, axle work and part replacement. The lube technician also receives some ongoing, on-the-job training from the regular technicians.

The service advisors do not have the skills or training in diagnosis and repair that the technicians have, and there is no evidence that either of the Employer's service advisors previously worked as technicians for an automobile dealership. Fiedler testified that he has never worked as an automotive mechanic, although several years ago he worked on aircraft engines and motorcycle engines. There is no evidence that the other service advisor ever worked as an automotive mechanic, much less that she worked for

the Employer in such a capacity. The service advisors do receive formal service advisor training; however, they do not receive in depth training regarding the diagnosis or repair of mechanical problems.

The differing nature of the employees' tool kits further demonstrates the differences in their skills and job functions. The technicians, the lube technician and the service advisors own personal tool kits. The lube technician's tool kit is worth approximately \$5,000; the regular technicians typically own tool kits worth several thousand dollars more than the lube technician's. According to service advisor Fields, his tool kit is worth about \$30.00.

With regard to the terms and conditions of employment of the technicians, lube technician and the service advisors, there are both similarities and some differences. The technicians' normal working hours, including those of the lube technician, are Monday through Friday, 8:00 a.m. to 4:30 p.m. The service advisors' normal working hours are Monday through Friday 7:00 a.m. to 6:00 p.m. All of the various technicians generally wear colored work shirts, most having their names on them; and, either Employer issued gray slacks or their own personal pants. The service advisors wear a uniform consisting of black slacks and a white shirt emblazoned with the words "Hayward Nissan."

The regular technicians are paid on a "flat-rate" basis. As noted above, the labor manual assigns a time value for each particular task. Upon completion of a task, the technician is credited with the amount of working time assigned by the labor manual, notwithstanding how long he/she may have spent on the service. Technicians are paid for the time they are credited at their particular hourly rates. Technicians are compensated only once for each particular service or repair completed. They do not receive additional

compensation for work that has to be re-done. The record indicates that certain technicians, on occasion, work beyond their regularly scheduled hours, but it is not clear whether they receive compensation for overtime work.

The record is unclear with regard to the pay system applied to the lube technician. The service advisors receive an hourly wage rate, a commission for the gross labor and parts sales they generate, and may receive a bonus based upon an index designed to measure customer satisfaction with the repair process. Service advisors are not paid overtime wages. It appears that all of the Employer's employees receive the same basic benefits package and are subject to the same personnel policies.

### **ANALYSIS**

The Board has held that a separate unit of automobile dealership technicians (mechanics) constitutes a craft unit appropriate for collective-bargaining purposes. *Fletcher Jones Chevrolet*, 300 NLRB 875, 875-877 (1990); *Dodge City of Wauwatosa*, 282 NLRB 459 (1986). In so finding, the Board in *Dodge City* noted that mechanics are readily distinguished from other employees in the service department of a car dealership:

We agree with the Regional Director that the Employer's mechanics constitute a craft unit for purposes of collective bargaining. The record shows that these mechanics are a distinct and homogeneous group of highly trained and skilled craftsmen who are primarily engaged in the performance of tasks that are not only different from the work performed by the other service department employees, but that require the use of substantial specific craft skills, as well as specialized tools and equipment. In addition, they all have had either extensive training or experience before being hired by the Employer, who thereafter requires them to attend periodic training on a regular basis, and they share a community of interest apart from the other employees of the Employer's service department. 282 NLRB at 459.

The Regular Technicians Constitute A Distinct  
And Homogeneous Group Of Craftpersons

Consistent with the Board's holding in *Dodge City*, I conclude that the Employer's regular technicians should be included in a craft unit based on their skills and training, the complicated nature of the work they typically perform, and their use of their own expensive and specialized tools. Thus, the record reflects that, with the exception of the lube technician, the Employer's technicians have extensive training and experience in the field of automotive mechanics. As part of their job function, the technicians must undergo ongoing training and many hold one or more certifications in specialized areas of mechanical repairs issued by Nissan, or the State of California. The technicians are responsible for such complex mechanical work as general driving diagnostics, engine diagnostics, and electrical diagnostics. The technicians also do various types of automobile repair, such as brakes and axel repairs. In performing this work, the technicians use their own specialized tool kits, which typically are valued well in excess of \$5,000.

The Lube Technicians Are Included In The Unit,  
Because They Are Helpers Or Trainees

I also find that the lube technician is properly included in the craft unit. Although employees with the skill, training level and job function of the lube technician would not warrant craft unit status in and of themselves, the Board has included helpers and trainees in technician craft units. *Fletcher Jones Chevrolet*, 300 NLRB 875 (1990). In *Fletcher Jones*, the Board stated:

The quick service technicians handle lubrication, oil and filter changes, belts, hoses, and other simple mechanical repair work. Although the quick service technicians are not as skilled as the other unit technicians, they are

engaged in mechanical work. We find that the quick service technicians should be included in the unit as helpers or trainees. The Board has long held that a craft unit "consists of a distinct and homogeneous group of skilled journeymen craftsmen, working as such, together with their apprentices and/or helpers. *American Potash & Chemical Corp.*, 107 NLRB 1418, 1423 (1954). Furthermore, in *Dodge City* the Board included lube and oil work employees in the craft unit.

In deciding to include the quick service technicians in the unit, the Board also noted that, although the employer in that case had no formal apprentice program, the quick service technicians did receive training and classes from the employer in order to upgrade their skills.

Here, as in the above-cited cases, the lube technician primarily performs low level mechanical work, such as oil changes and light automotive maintenance. Significantly, however, the Employer has increasingly given the lube technician more complex work assignments in order to help him develop his skills. According to Service Advisor/Assistant Manager Paul Daniel Fiedler, who assigns work to the technicians and lube technicians, he has given the lube technician brake repair and axel boot jobs, and he has had the lube technician replace various automobile parts under the direction of a regular technician. Fiedler also stated that the Employer is training the lube technician to be a regular technician, and that as his skills develop, he will be given more complex work assignments. The above-cited evidence shows that the lube technician serves as a helper to the regular technicians and is in the same type of informal apprentice/training program noted by the Board in *Fletcher Jones*. It is also evident that the lube technician regularly works in the same area as the regular technicians and supplies his own tools, which are valued at about \$5,000.<sup>11</sup> Consequently, I conclude that the record establishes

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<sup>11</sup> At one point in the hearing, Service Advisor/Assistant Manager Paul Daniel Fiedler testified that there were two lube technicians and that he was giving them increasingly complex work. The rest of the

that the Employer's technicians constitute a distinct and homogenous group of skilled journeyman who are working as such, along with the less skilled lube technician, and therefore constitute a separate appropriate craft unit. Dodge City of Wauwatosa, Above at 460.

In reaching this conclusion I have carefully considered the Employer's arguments and the evidence relied on by the Employer, including, inter alia, the frequent contact between the service advisors and the technicians; the integrated nature of the service department; the common supervision typically found in the service department (although currently the Service Manager position is vacant); the common access to the Employer's break room; the similar work hours; and common benefits. I have also considered the Employer's argument that the service advisors' and technicians' job functions impact on their respective compensation because technicians are paid on a flat rate basis and service advisors receive bonuses based upon customer satisfaction with the repair experience. Although this evidence arguably establishes that these two groups of employees share a community of interest and could be included together in an appropriate unit, it does not establish that the service technician craft unit is not in and of itself an appropriate craft unit.

I have also considered the fact that the service advisors occasionally perform some low level mechanical work, such as changing wiper blades, bulbs, or lamps, and replacing a piece of exterior body molding or a fuse. These tasks are minor in that they require limited skill at best, and they do not require expensive, highly specialized tools, do they take much time to complete. I also note that the record is not clear as to how

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record indicates that there is only one lube technician. In any event, even if there are two lube technicians, it appears that they perform the same type of mechanical work and that they are both being trained to perform more complex mechanical work.

often the service advisors perform such repairs; or, whether the Employer even requires that service advisors perform such repairs. The record also shows that past experience as a service technician is not a pre-requisite for employment in the service advisor position. Fiedler, for example, stated that he does not have any experience as an automotive technician. In these circumstances, I conclude that the occasional low level vehicle work performed by service advisors does not warrant their inclusion in the craft unit. See Fletcher Jones, above at 877, in which the Board discounted the import of the occasional minor repair or mechanical work performed by some of the parts department and body shop employees.<sup>12</sup>

Finally, I have considered the Employer's argument that the bargaining history facts militates against the finding of a craft unit in this case. The evidence shows that AutoNation's six other dealerships in this area have combined units, and that 80-90% of Local 1546's units are combined units. However, bargaining history is only one factor considered by the Board in deciding whether to approve a craft unit. Here, the other factors clearly support the finding of a craft unit, and in my view, outweigh the significance of the bargaining history at other AutoNation dealerships. Significantly, the Employer facility at issue here has no applicable bargaining history of its own, such as would be the case, for example, if this were a craft severance case, wherein bargaining history would have much greater significance. I also note that the Union's own bargaining history is mixed in nature, and that the Union has identified about six other bargaining units in this area in which it represents a craft unit without the service advisors.

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<sup>12</sup> Similarly, although the service advisors receive ongoing training as part of their job function, this training does not cover matters of major diagnosis or repair, and it is not designed to foster the development of highly specialized mechanical skills.

I find, therefore, that the following employees constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time technicians, lead technicians and lube technicians employed by the Employer at its Hayward, California facility; excluding all service advisors, supervisors, managers, guards, office employees, sales people, detailers, shuttle drivers, lot persons, parts people, and other employees.

There are approximately 6 employees in the unit found appropriate.

### **CONCLUSIONS**

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, I conclude that:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The parties stipulated, and I find that the Employer, a California corporation with a facility located at 25995 Mission Blvd. Hayward, CA, is engaged in the business of the retail sale and maintenance of automobiles. During the past twelve month period, the Employer had gross retail receipts of \$500,000 and purchased and received goods valued in excess of \$50,000 directly from suppliers located outside the State of California. Based on the foregoing, I find that the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The parties stipulated, and I find that the Union involved is a labor organization within the meaning of Section 2(5) of the Act.
4. A question of commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time technicians (automotive mechanics), lead technicians and lube technicians employed by the Employer at its Hayward,

California facility; excluding all service advisors, supervisors, managers, guards, office employees, sales people, detailers, shuttle drivers, lot persons, parts people, and other employees.

### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by MACHINISTS DISTRICT LODGE 190, AUTOMOTIVE MACHINISTS LOCAL LODGE 1546, I.A.M.A.W. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

#### Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

#### Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on

the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before **July 23, 2004**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (510) 637-3315. Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

#### Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **July 30, 2004**. The request may **not** be filed by facsimile.

Dated: July 16, 2004

/s/ William A. Baudler  
William A. Baudler, Acting Regional Director,  
National Labor Relations Board  
Region 32  
1301 Clay Street, Suite 300N  
Oakland, CA 94612-5211

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